

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

NOV 13 2009

DAVID R. DEATON, #119268 §  
VS. §  
TERRY BOX §

DAVID J. MALAVIA, CLERK  
BY  
DEPUTY

CIVIL ACTION NO. 4:09cv361

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the complaint is **DISMISSED** without prejudice for failure to prosecute and failure to obey an order. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 13<sup>th</sup> day of November, 2009.



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE